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KITTITAS RECLAMATION DISTRICT
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Dockets Management System
U. S. Department of Transportation
Room PL-401
400 Seventh Street, S. W.
Washington, DC 20590-0001

Re: Comments for RSPA-04-17167– 6

Kittitas Reclamation District (KRD) is requesting regulatory flexibility from the recently revised 49 CFR 173.226 (a) which states (materials poison by inhalation will be transported) in seamless specification cylinders conforming to the requirements of 173.40, as well as other provisions within 49 CFR 173.40.

KRD is an irrigation district that services 59,122 acres of farmland in central Washington. KRD manages 330 miles of main canals and laterals to get water to those irrigated acres. Acrolein is one of the products used for the management of aquatic weeds in canals. The trade name for the acrolein we use is MAGNACIDE H. Magnacide is a vital tool in controlling submersed aquatic weeds in our canals and laterals. With out this tool we would not be able to transport water throughout our delivery system efficiently. Waterweed and algae can literally reduce the capacity of a lateral by over 50 percent within just a few weeks during the warmer summer months.

At this time we are in drought conditions. Our district will only receive 70% of our normal water supply. We must supply our reduced amount of water as efficiently and economically as possible. With the current economic downturn impacting the agricultural industry generally and lack of water for full crop production specifically, significant additional operating costs would be difficult to pass along to our landowners.

Baker Petrolite maintains the only pesticide registration with the U. S. Environmental Protection Agency for acrolein as an aquatic herbicide. There are no other alternatives available that works as well as MAGNACIDE H does in some of our laterals.

For years we have received acrolein in 4BW240 cylinders, which are manufactured of carbon steel. Over the years we have developed our safety program and operations to utilize these cylinders. Converting our operations to utilize another form of packaging would be a major expense that would ultimately cost our landowners. The current size of the 4BW240 cylinders provides a volume of material that is appropriate for the applications for which they are used. This allows the fewest number of connections and disconnection of application equipment, and thus the lowest risk to our personnel. The cylinder dimensions allow the personnel to install application equipment and to operate the related valving as a safe and comfortable height. Any change in design will impact our application equipment, procedures, and established safety program with acrolein. Due to the nature of acrolein, great efforts have been made in equipment design, maintenance, and inspection, as well as in the training to ensure the safety of all involved in the application of acrolein.

Based on our discussions with Baker Petrolite, to manufacture the new specification #B cylinders would be very expensive and they can not be constructed to meet applicator safety requirements. A new specification 3B cylinder manufactured to hold a comparable amount of liquid needed for applications would be between 6 and 7 feet tall, which is too tall to work with safely in the field. The other choice is to require the use of a drum in a drum type container. These types of containers are bulky and difficult to handle. Furthermore, the structural integrity of the drum in a drum is no comparison to that of the 4BW240 cylinder.

We also feel strongly that the pressure relief device utilized by Baker Petrolite should remain in place at all times for the highest level of safety.

KRD believe that there should be regulatory flexibility from the recently revised 49 CFR 173.226 (a) as well as other provisions within 49 CFR 173.40. Acrolein has been shipped in 4BW240 cylinders without risk to property and safety for many years. As previously stated, there are no other alternatives available that work in the manner in which MAGNACIDE H does in flowing irrigation water. Due tot he effectiveness of acrolein on weed and algae control in irrigation systems, we have developed operational processes using the 4BW240 cylinders that would not be cost or time effective to change. The impact that 49 CFR 173.226 (a) has placed on our supplier of acrolein to obtain #B "seamless" cylinders will increase costs, minimize safety, and ultimately effect our operations. We applaud your efforts in increasing the safety of transporting hazardous materials that are Poisonous by Inhalation. KRD asks our assistance in carefully evaluating the impacts that the change in cylinder specifications will have on small businesses of the agricultural industry that utilize acrolein. We are receptive to finding the safest and most practicable resolution to this matter.

Sincerely,

Jack Carpenter

Jack Carpenter
Secretary - Manager